

UNIVERSITY REGULATION
PART IX – STUDENT AFFAIRS
Chapter 09.12 – Protection of Minors

R09.12.010. General Statement: Protection of Minors

The University of Alaska system, as part of its mission, promotes and engages in many programs, events and activities that involve minors throughout its separately accredited institutions and campus locations. Protection and safety of minors is of the highest priority for the University of Alaska. To protect minors engaged in its programs, the University of Alaska has enacted the following regulations to provide protection for minors engaged in programs, events, and activities provided or endorsed by UA or any program conducted at its facilities.

R09.12.030. Definitions

A. Authorized Adults

~~Authorized Adults are individuals who may have direct and unsupervised contact with a minor.~~ Authorized Adults are individuals (whether full-time, part-time, temporary, paid, or unpaid), who in their official capacity have any direct and unsupervised contact with a minor and interact with, supervise, chaperone, act as a caregiver for, or oversee and have responsibility for minors in UA programs. Authorized Adults include but are not limited to UA faculty, staff, other employees, volunteers, graduate and undergraduate students, ~~and~~ interns, contractors, and consultants. Authorized Adult status does not apply to UA individuals at public events where there is a reasonable expectation of parental supervision.

B. Behavior of Concern

~~A behavior of concern is any behavior with minors that is suspicious and inappropriate, but may not rise to the level of abuse. Examples are provided in the Code of Behavior at R09.12.070. A behavior of concern is a violation of the Code of Behavior, or behavior with minors that is suspicious and inappropriate but may not rise to the level of abuse. A list of some behaviors of concern is enumerated in the Code of Behavior at R09.12.070. [FMH]~~

C. Child Abuse or Neglect

Child abuse or neglect is the negligent treatment or maltreatment, injury, sexual abuse, or sexual exploitation of a minor by any person under circumstances which indicate that the child's health, welfare and safety is harmed or threatened. Child Abuse or neglect may be inflicted by any person and may include minor-to-minor abuse or Authorized Adult-to-minor abuse. For purposes of this policy, abuse may include, but is not limited to, the following types and descriptions:

1. Physical Abuse means hitting, spanking, shaking, slapping, unnecessary restraints;
2. Verbal Abuse means using degrading, or threatening language, including using foul

language and cursing;

~~3.~~ ~~3.~~—Sexual Abuse means any form of sexual conduct, engaging in inappropriate ~~or non-~~
~~consensual~~ touching, exposing oneself, engaging in sex themed conversations;

~~3.4.~~ Mental Abuse includes shaming, humiliation, and cruelty;

~~4.5.~~ Neglect means unreasonable withholding of food, water, shelter, and reasonable medical attention.

D. Mandated Reporters

Mandated Reporters are persons that Alaska law legally requires to report child abuse and neglect. They are health practitioners or administrative officers of institutions; teachers and school administrators; child care providers; paid employees of domestic violence and sexual assault programs, crisis intervention and prevention programs, or organizations that provide counseling or treatment to individuals seeking to control their use of drugs or alcohol; peace officers or officers of the Department of Corrections; persons who process or produce visual or printed matter, either privately or commercially; members of a child fatality review team or the multidisciplinary child protection team

E. ~~—~~Minor

A minor is a person under the age of 18 years, unless the person is legally emancipated or legally married. (A.S. 25.20.10)¹. This definition excludes individuals with emancipation status (16 years of age and older) and individuals that are legally married².

F. ~~—~~Non UA Sponsored Program

A non UA sponsored program is one where a third party contractor or third party individual hosts a program, event, or activity on UA property. Non UA sponsored programs do not have UA oversight or supervision.

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G. ~~-~~Supervised Adults

Supervised adults are individuals who work with minors under the direction of an Authorized Adult. Supervised ~~Adults~~ adults may do not have unsupervised contact with a minor.

¹ ~~For actual language access <http://www.legis.state.ak.us/basis/folio.asp> and search the most recent Alaska Statutes~~

² ~~Alaska Statute AS 25.20.020~~

H. Title IX ~~Coordinator~~^[FM12]

~~Each Chancellor will designate an individual responsible for Title IX compliance. The Title IX Coordinator is responsible for overseeing, coordinating and monitoring the University's policy prohibiting discrimination, sexual assault, sexual harassment, dating and domestic violence, stalking, and retaliation ensuring compliance with federal and state discrimination and sexual harassment laws. The Title IX Coordinator is charged with overseeing compliance with federal guidelines, ensuring appropriate education and training, coordinating implementation and administration of university procedures for resolving complaints, and ensuring appropriate actions to eliminate prohibited conduct, prevent its recurrence and remedy its effect.~~

~~A Title IX coordinator XXXXX~~

I. UA Approved Training

UA approved training is training submitted by university committees to the Chief Risk Officer and approved for use for Protection of Minor training.

J. UA Sponsored Program or UA Sponsored Activity,

A UA Sponsored Program or UA Sponsored Activity is a program, event or activity staffed by at least one Authorized Adults and offered by various academic, departmental or administrative units of UA, including student organizations, or in cooperation with outside entities on behalf of UA. This definition includes UA research activities and UA academic programs that include minors if they involve residential, travel, or experiential components outside the classroom.

UA academic programs occurring exclusively in the classroom are not required to meet the minor protection requirements of UA Sponsored Programs or UA Sponsored Activities.

K-12 Schools and K-12 School Districts visiting UA outside of a UA Sponsored Program or UA Sponsored Activity are exempt from this policy, but must abide by their own supervisory requirements and certifications, including the ratio of authorized adult(s) to minors. The K-12 School or K-12 School District shall be responsible for the care of its minors at all times.

R09.12.040 — Registration of UA Sponsored Programs

The Chief Risk Officer, in consultation with the Statewide aAdministration, the University of Alaska Anchorage, the University of Alaska Fairbanks, and the University of Alaska Southeast, shall develop a system to register UA Sponsored Programs and Activities as well as Non UA Sponsored Programs occurring on all UA campuses. Registration information shall be provided to the UA Chief Risk Officer annually.

R09.12.050 — ~~Staff Employee and Volunteer~~ Screening and Selection

All UA Sponsored Programs or UA Sponsored Activities must adhere to the following employee and volunteer screening and selection criteria. These steps must be completed before an applicant is released to work with minors in a paid or unpaid position.

A. Authorized Adults

All UA Sponsored Programs shall be staffed by at least one Authorized Adult who supervises all other Supervised Adults. Screening and selection of a new Authorized Adult must be documented in an individual's file and include:

1. A standard application;

~~1.~~

~~2. Signed UA Protection of Minors Regulation [MEO3];~~

~~[FM14]~~

~~3.2.2.~~ Signed UA Code of Behavior;

~~4.3.3.~~ A borough/county criminal background check in all boroughs/counties where the applicant has lived the last 7 years; a multi-state criminal background check with Social Security Number Trace and Alias Search; and a national sex offender registry check; and

~~5. 4. Be interviewed. Have an interview. if possible face-to-face, interviews using behaviorally based standardized questions designed to assess for potential risk to abuse [FM15] [MEO6] [MEO7]~~

A minimum of three reference checks that include professional and personal references ~~using behaviorally based questions that assess abuse risk.~~

Individuals currently classified as Authorized Adults ~~should~~ comply with at least the first three items listed above in order to maintain their positions.

UA Sponsored Programs and UA Sponsored Activities ~~programs~~ shall repeat items (A) 2-~~3~~ annually and item (A) ~~4-3~~ every three years.

B. Supervised Adults

Screening and selection of all other UA individuals working with minors in a program who may not be an Authorized Adult must include:

1. A standard application;

~~2. Signed UA Protection of Minors Regulation;~~

~~3.2.2.~~ Signed UA Code of Behavior; and

~~4.3.3.~~ A national sex offender registry check. [FM18] [MEO9]

UA programs shall repeat items (B) ~~2-32~~ annually and item (B) ~~43~~ every three years. [GBB10][MEO11]

R09.12.055 -Minimum Required Supervision Ratios

An Authorized Adult must provide every minor with reasonable and appropriate supervision while that minor is on campus. Unless otherwise approved, every program at which minors are present must have a minimum Authorized Adult to minor ratio of the following:

Type	Ratio ^{Note 1}
Daycare Facilities	State of Alaska Administrative Code: 7 AAC 57.510 ³
UAF Sponsored Events with caregiver responsibilities	State of Alaska Administrative Code: 7 AAC 57.510 ³
UAF Sponsored Events without caregiver responsibilities	No required ratio, based on event
UAF Hosted Activities	State of Alaska Administrative Code: 7 AAC 57.510 ³
K-12 School Partnerships	See paragraph on page X of this policy R09.12.030.J of this regulation

Note 1: The ratio for 13-17 year old minors is established at a minimum of one Authorized Adult to 18 Minors, additional Authorized Adults should be added at the discretion of the program or EHSRM. Traditional classroom settings with instructors may require a different ratio.

R09[FMI12].12.060 -Training

A. ~~UA Employees~~[FMI13][MEO14]

All UA employees, regardless of whether they have access to minors in programs, must complete ~~UA-Approved~~[FMI15][MEO16] Protection of Minor training and mandated reporter training courses annually.

B. ~~Authorized Adults and Supervised Adults~~

All Authorized Adults and Supervised Adults and ~~other UA~~[FMI17] must ~~annually~~[FMI18][MEO19] complete UA-Approved Protection of Minor and mandated reporter training courses, and must complete those courses prior to having contact with or access to minors. Additional program-specific training may be required ~~for certain programs~~.

R09.12.070 -Code of Behavior[FMI20]

University of Alaska programs serving minors are required to include a signed Code of Behavior in their registration materials that includes the following minimum statement:

³ The ratio can be found by accessing the Alaska Administrative Code at [http://www.legis.state.ak.us/basis/folioiproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=\[JUMP:'Title7Chap57!2C+a!2E+5'\]/doc/{@1}?firsthit](http://www.legis.state.ak.us/basis/folioiproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[JUMP:'Title7Chap57!2C+a!2E+5']/doc/{@1}?firsthit)

“Our program provides the highest quality services available to minors. Our commitment is to create an environment for minors that is safe, nurturing, empowering, and that promotes growth and success for the minors who participate in our program. Any type of abuse will not be tolerated and will result in immediate dismissal from the program and/or University of Alaska (UA). UA will fully cooperate with authorities if allegations of abuse are made and investigated.”

To accomplish this mission together, employees, volunteers, and other adults participating in programs, events, research and activities involving minors:

1. ~~Will~~ Shall treat minors with respect at all times.
- ~~1.~~
2. ~~Shall~~ Will treat minors fairly regardless of regardless of race, color, religion, national origin, age, sex, sexual orientation, gender identity, physical or mental disability^[MEO21], genetic information or pregnancy or parenthood status. ~~race, sex, age, religion, sexual orientation or gender identity.~~^[FMI22]
2. ~~Will~~ Shall adhere to uniform standards of affection as outlined in any applicable university or program specific -procedures, and shall not engage in private displays of affection.
- ~~3.~~
3. ~~Shall~~ not use or be under the influence of alcohol or drugs in the presence of minors or during activities or events involving minors.
- ~~4.~~
4. ~~Shall~~ not discuss ~~their~~ sexual encounters with or around minors ~~or in any way involve minors in their personal problems or issues.~~
- ~~5.~~
5. ~~Shall~~ not date or become romantically involved with minors in the program.
- ~~6.~~
6. ~~Shall~~ not make pornography in any form available to minors or assist them in any way in gaining access to pornography.
- ~~7.~~
7. ~~Shall~~ not have secrets with minors or ask minors to keep secrets.
- ~~8.~~
- ~~Shall~~ not have private displays of affection with minors.
- ~~9.~~
- 10.8. ~~Shall~~ not swear or tell ~~off color~~ sexual, discriminatory, degrading or otherwise offensive jokes.
9. ~~Shall~~ not stare at or comment on the minors’ bodies.
- ~~11.~~
10. ~~Shall~~ not engage in inappropriate electronic communication, such as “friending” or “following” ~~with~~ minors, as may be further defined by specific program policies.
- ~~12.~~
11. ~~Shall~~ avoid outside ~~of~~ ~~program~~ contact or interaction with minors, which may be further defined by specific program -procedures.
- ~~13.~~
12. ~~Shall~~ not be naked, shower, bathe, “skinny-dip” or undress with or in the presence of minors.
- ~~14.~~

13. ~~Will~~^[FM123] ~~shall~~ not take any photographs or videos of minors or posting photographs or videos on a digital, electronic, hosted media, web-based service or any other medium without first obtaining a release from the minor's parent or legal guardian.

15.

16.14. Shall not abuse minors in anyway including the following:

Physical abuse: hitting, corporal punishment, spanking, shaking, slapping, unnecessary restraints

Verbal abuse: degrade, threaten, cursing

Sexual abuse: inappropriate touch, exposing oneself, sexually oriented conversations

Mental abuse: shaming, humiliation, cruelty

Neglect: withholding food, water, shelter^[FM124]

[MEO25]

15. Shall not allow minors to engage in hazing, bullying, derogatory name-calling, games of "Truth or Dare," ridicule, or humiliation.

17.

18.16. ~~Will~~ ~~shall~~ report concerns or complaints about other adults or minors in accordance with all reporting policies, which include the anonymous **UA Confidential Hotline at toll free (855) 251-5719.**"

R09.12.08- Reporting and Response

If at any time any individual has reason to reasonably believe that a minor is in imminent physical danger, ~~UA expects them to call~~ they shall contact law enforcement immediately. UA expects all employees, authorized adults, and supervised adults who become aware of abuse and neglect of a minor to interrupt the behavior immediately, document it and report the incident, or circumstances causing suspicion of abuse to a supervisor, Dean, Department Head^[FM126]^[MEO27], or Campus Risk Manager. Additional reporting responsibilities follow.

A. ~~A-~~ Reporting Abuse and Neglect^[FM128]

B.

1. Individual Reporting of Abuse and Neglect for Non-Mandatory Reporters

a. All UA employees, Authorized Adults, and Supervised Adults who suspect or become aware of any child abuse or neglect must reports their suspicion, observation or knowledge to their supervisor within 24 hours.

b. All UA employees, Authorized Adults, and Supervised Adults who become aware of discrimination against a child based on gender or sexual identity or sexual harassment of a child, which includes sexual assault, sexual misconduct, or any other behavior of a sexual nature, must also report that conduct to his or her campus Title IX coordinator or Title IX contact within 24 hours.

~~UA encourages everyone (even those who are not considered mandated reporters) to report any suspected abuse or neglect of a minor to the State of Alaska Office of Children's Services.~~

1.2. Mandated Reporters

Some employees may be a Mandated Reporter under Alaska law. It is an employee's responsibility to determine their Mandated Reporter status. [FMI29][MEO30] Mandated Reporters must submit a report to the Office of Children's Services within 24 hours of reasonable cause to suspect that a child has suffered harm as a result of abuse or neglect. The mandated reporter has no responsibility to complete any type of investigation or determine if their suspicions are correct, but only must have a reasonable amount of information to say that they believe abuse or neglect may have occurred. Alaska Statute defines "reasonable cause to suspect" as "cause, based on all the facts and circumstances known to the person, that would lead a reasonable person to believe that something might be the case." Alaska law grants immunity from civil or criminal liability to persons who make reports in good faith and in a timely manner.

Mandatory reporters who become aware of abuse or neglect that involves discrimination against a child based on gender or sexual identity or sexual harassment of a child, which includes sexual assault, sexual misconduct, or any other behavior of a sexual nature, must also report that conduct to his or her campus Title IX coordinator or Title IX contact within 24 hours.

If an employee is a Mandated Reporter, UA expects him or her to adhere to the requirements of that law in addition to the requirements described in this section. If an individual has questions about mandated reporting, consult a supervisor, [Campus Risk Management](#) [MEO31] or the [Office of General Counsel \(907\) 450-8080](#) for guidance [FMI32][MEO33].

~~2.1. Employees Subject to the Alaska Professional Teaching Practices Act~~

~~Some employees, particularly faculty, may be subject to the responsibilities established by the Alaska Professional Teaching Practices Act. It is an employee's responsibility to determine whether they are subject to the Alaska Professional Teaching Practices Act. If an employee is subject to it, UA expects him or her to adhere to that Act and its code of ethics in addition to the requirements described in this section.~~

~~3.1. Individual Reporting of Abuse and Neglect for Non-Mandatory Reporters~~

- ~~a. All UA employees, Authorized Adults, and Supervised Adults who suspect or become aware of any child abuse or neglect must reports their suspicion, observation or knowledge to their supervisor within 24 hours.~~
- ~~b.a. All UA employees, Authorized Adults, and Supervised Adults who become aware of discrimination against a child based on gender or sexual identity or sexual harassment of a child, which includes sexual assault, sexual misconduct, or any other behavior of a sexual nature, must also report that conduct to his or her campus Title IX coordinator or Title IX contact within 24 hours.~~

3. Employees Subject to the Alaska Professional Teaching Practices Act

Some employees, particularly faculty, may be subject to the responsibilities established by the

Alaska Professional Teaching Practices Act. It is an employee's responsibility to determine whether they are subject to the Alaska Professional Teaching Practices Act. If an employee is subject to it, UA expects him or her to adhere to that Act and its code of ethics in addition to the requirements described in this section.

4. Individual Employee Response to Abuse or Neglect

~~In addition to any reporting requirements, UA expects all employees, authorized adults, and supervised Adults who become aware of abuse and neglect of a minor to interrupt the behavior immediately, document it and report the incident, disclosure, or circumstances causing suspicion of abuse to a supervisor, Dean, Department Head^[FMI34]^[MEO35], or Campus Risk Manager.~~

5.4. Supervisor or Administrator Response to a Report of Abuse or Neglect^[FMI36]

The University expects Ssupervisors or administrators who receive a report of abuse or neglect to act on that report. Supervisors and administrators should immediately forward reports of abuse or neglect to their supervisor, as well as to campus police, the Title IX office, or external agencies as appropriate. Supervisors and administrators should consult and follow ~~internal-Campus~~ protocols regarding reporting. The University of Alaska ~~internal-Campus~~ protocols for response and reporting are on file with ~~the university-Campus~~ Risk Management, ~~university-Campus~~ Protection of Minor Committees, Chief Risk Officer, and the Office of General Counsel. Contact one of these offices for additional assistance.

~~Supervisors or administrators who receive a report of abuse or neglect that involves discrimination against a child based on gender or sexual identity or sexual harassment of a child, which includes sexual assault, sexual misconduct, or any other behavior of a sexual nature, must also report that conduct to his or her campus Title IX coordinator or Title IX contact within 24 hours.~~

B. Reporting Minor-to-Minor Sexual Contact, Sexualized Behaviors, Suspicious or Inappropriate Behavior, including Behaviors of Concern

While the behaviors described in this section may fall outside of illegal activity, their prevention is important to providing a safe learning environment free of harassment for minors. As a result, UA expects all employees, ~~authorized~~ Authorized ~~a~~ Adults, and ~~S~~ Supervised Adults ~~to report the behaviors described below. This section applies in addition to reporting requirements outlined above.~~

1. ~~Employees, authorized adults, and supervised adults~~ who suspect, are told of, or observe minor-to-minor abuse or sexualized behaviors ~~must to~~ immediately report their observations to their supervisor. Examples of conduct between minors to report include, but are not limited to sexual contact, hazing, bullying, derogatory name-calling, taunting, roughhousing, games of “Truth or Dare,” singling out minor for disparate or negative treatment, ridicule or humiliation, or ~~any~~ behaviors listed as Behaviors of Concern.

In addition to reporting the behavior described in this section, employees, authorized adults, and supervised adults are expected to immediately interrupt the behavior and separate the minors, ensure the safety of the minors, ~~not to engage~~ refrain from conducting any in investigation, document observations, allegations and suspicions, and report the incident to a supervisor.

~~2. Supervisors or administrators who receive a report of abuse or neglect should consult and follow internal protocols regarding reporting. The University of Alaska internal protocols for response and reporting are on file with university Risk Management, university Protection of Minor Committees, Chief Risk Officer, and the Office of General Counsel. Contact one of these offices for additional assistance. [FMI37]~~

R09.12.09 Contractors [FMI38], Facilities Use Agreements, and Non-UA Events [FMI39]

Contractual agreements concerning personnel or facilities related to programs, activities, research and events including minors must comply with this policy. Contractors shall be held to the same standard as employees and volunteers of UA and shall be provided a copy of this policy.

The following shall be included as a term of the contract where a third party contract involves interaction with minors or as part of UA sponsored programs.

If the terms of the contract anticipate contact with minors, require work where minors reside, or work where minors swim or change clothing, the following provisions shall be in effect:

A. Contractor shall defend, indemnify and hold harmless the University, its Board of Regents, officers and employees, from and against any and all claims, causes of action, losses liabilities, damage or judgments directly or indirectly related to any mental or physical injury or death arising out of its

contact or its conduct or the contact or conduct of its directors, employees, subcontractors, agents or volunteers with minors including sexual abuse of minors as defined by Alaska statute.

~~A.~~

~~B.~~ Contractor shall purchase an insurance rider, endorsement, or secondary policy that names the University as an additional insured and covers and protects the University from claims and losses for the abuse defined in A. above and provide the University with a copy of that rider prior to the to the commencement of work under this contract. The Campus Risk Manager will have the authority to waive this requirement with written approval from the Chief Risk Officer and the UA General Counsel's Office, under the following conditions [FMI40];

~~B.~~

~~C.~~ Contractor shall present the University with certification [FMI41] prior to the commencement of work under this contract that all employees, directors, subcontractors, agents or volunteers that may have Contact with minors shall:

~~C.~~

1. Be trained and certified in the identification, prevention and reporting of the sexual abuse of minors;
2. Undergo a local, state, and nationwide criminal background check and national sex offender registry check;

~~2.~~

3. Be prohibited from working under this contract involving minors if they:
 - i. have been convicted of a crime of violence, neglect, or abuse against a minor,
 - ii. are a registered sex offender,
 - iii. have been convicted of an assault, reckless endangerment, neglect, or
 - iv. have been convicted of possession of child pornography.

~~iv.~~

4. Adhere to the contractor's written policies related to the supervision of minors. At a minimum the contractors supervision procedures should include:
 - i. Minimum adult to minor ratios;
 - ii. How to supervise minors during overnight activities;
 - iii. ~~How to supervise minors during bathroom and~~ [MEO42] ~~showering activities;~~
 - iv-iii. How to supervise minors during activities that are associated with water use, including, but not limited to, pools, showers, bathing areas, swimming, etc.;
 - iv. How to supervise minors during transition times, including drop-off and pick-up. [FMI43]

~~v.~~

[MEO44]

D. Failure to satisfy A, B, C above may result, at the University's sole discretion, with immediate termination of this contract for cause, without regard to any other termination provision.